



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
Public Information Office
(415) 865-7740
Lynn Holton, Public Information Officer

Release Date: October 3, 2001

Release Number: S.C. 39/01

SUMMARY OF CASES ACCEPTED DURING THE WEEK OF SEPTEMBER 24, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-121 People ex rel. Orloff v. Pacific Bell, S099131. (A089528; 89 Cal.App.4th 844, mod. 90 Cal.App.4th 529d.) Petition for review after the Court of Appeal affirmed a judgment dismissing a civil action. This case concerns whether an unfair competition action brought by a district attorney in the name of the people against a public utility is barred if a parallel proceeding is pending before the Public Utilities Commission.

#01-122 Catholic Charities of Sacramento, Inc. v. Superior Court, S099822. (C037025; 90 Cal.App.4th 425, mod. 90 Cal.App.4th 1413c.) Petition for review after the Court of Appeal affirmed an order denying a preliminary injunction. This case presents issues concerning the validity, under the provisions of the state and federal Constitutions guaranteeing the free exercise of religion, of statutes requiring employers who provide health insurance prescription coverage to include coverage for prescription contraceptives. (See Health & Saf. Code, § 1367.25; Ins. Code, § 10123.16.)

#01-123 In re Chavez, S099172. (G028140; 89 Cal.App.4th 1183). Petition for review after the Court of Appeal granted a petition for writ of habeas corpus. This case concerns whether relief from default is available in the case of a failure to file

(over)

a timely application for a certificate of probable cause to appeal after a plea of guilty or nolo contendere (see Pen. Code, § 1237.5; Cal. Rules of Court, rules 31, 45), and, if so, what standard should govern the determination of whether a defendant has shown good cause for such relief.

#01-124 Lund v. San Joaquin Valley Railroad, S099479. (F034334; 90 Cal.App.4th 247.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case concerns 1) whether the trial court erred in instructing the jury at voir dire that worker's compensation is not available to a plaintiff bringing an action under the Federal Employers' Liability Act (45 U.S.C. § 51 et seq.), and 2) whether prejudgment interest is available under Civil Code section 3291 and Code of Civil Procedure section 998 to a plaintiff in such an action.

#01-125 Wilson v. Kuzmich, S099831. (E027874.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment dismissing a civil action. The court order briefing deferred pending decision in Wilson v. Parker, Covert & Chidester, S097444 (#01-68), which concerns whether a trial court's interim rulings granting a preliminary injunction and denying a special motion under the anti-SLAPP statute (Code Civ. Proc., § 425.16) to strike a claim for damages give rise to a presumption that the underlying claims were brought with probable cause for purposes of a subsequent action for malicious prosecution.

#